

MINUTES

INDIANA BOARD OF CHIROPRACTIC EXAMINERS

APRIL 8, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Dyer called the meeting to order at 9:00 a.m. in Conference Center Room 5 of the Indiana Government Center South, 302 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-10-1-1.5(d).

Board Members Present:

Charles Cochran, D.C., Vice Chair
John Bernzott, D.C.
Marian Klaes-Lanham, D.C.
David Davis, D.C.

Board Members Absent:

David Dyer, D.C., Chairman
David Frischman, D.C.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and seconded to adopt the agenda.

BERNZOTT/KLAES-LANHAM
Motion carried 4-0-0

III. ADOPTION OF THE MINUTES FROM THE OCTOBER 1, 2009 AND JANUARY 7, 2010 MEETINGS

A motion was made and seconded to adopt the minutes from the October 1, 2009 and January 7, 2010 meetings.

DAVIS/KLAES-LANHAM
Motion carried 4-0-0

IV. APPEARANCES

A. PROBATIONARY

1. Todd J. Posar, D.C., License No. 08000789A

- Administrative Cause No. 2009 IBCE 0001

Dr. Posar appeared before the Board, as requested, regarding his ongoing probation. Dr. Posar submitted his attendance sheets from AA meetings he has attended and letters regarding his status. Dr. Posar reported to the Board that he is currently working full time, Monday through Friday, for Dr. Warren in a CVP practice working with rehabilitating. He uses traction type procedures to correct postural. Dr. Posar stated he still sees his psychiatrist every three months and attends five to six AA meetings per week. Dr. Posar indicated he has a good relationship with Dr. Warren and has known him for 20 years and he plans to stay with him. He indicated to the Board that he is still struggling financially. The Board is pleased with his progress. Dr. Posar gave a letter to the Board requesting withdrawal of his probation. He has been advised by legal counsel that he will have to have an administrative hearing to have his probation lifted. A hearing can be scheduled for the July 8, 2010 meeting.

2. Wei Chen Yang, D.C., License No. 08001810A

Administrative Cause No. 2007 IBCE 0001

Dr. Yang appeared before the Board, as requested, regarding her ongoing probation. Dr. Yang submitted her Affidavit of Compliance regarding her federal probation. The federal probation has ended. She asked the Board on what is required to lift her probation. Legal counsel advised her that she would need to file a written request with the Board and it would be possible to schedule a hearing for July 8, 2010. Dr. Yang told the Board she is continuing with community service at Heritage Christian School and College Park. She currently practices on Mondays, Wednesdays and Fridays from 9:00 a.m. until 3:00 p.m. on College Avenue and it is still an all cash practice providing chiropractic services as well as acupuncture. The Board is pleased with her progress.

B. RENEWAL

1. Mark R. Meek, Jr., D.C., License No. 08000705A

Dr. Meek appeared before the Board, as requested, regarding reinstatement of his expired Indiana chiropractic license. His license expired July 1, 2006. He explained that he has not been working as a chiropractor while expired but as an electrician. Dr. Meek indicated to the Board that he has no immediate plans to practice but would like his license current just in case. The Board advised him he will need an additional twelve (12) hours when he renews his license on July 1, 2010. He stated he will be attending a seminar in May. The

Board advised him of an upcoming continuing education seminar in April that will include Medicare information.

Board Action: A motion was made and seconded to reinstate Dr. Meek's expired chiropractic license until July 1, 2010.

BERNZOTT/DAVIS

Motion carried 4-0-0

2. Dwayne Allen Hoskins, D.C., License No. 08002109A

Dr. Hoskins appeared before the Board, as requested, regarding the reinstatement of his expired Indiana chiropractic license. His license expired July 1, 2006. He explained that he sold his practice in 2001 and had been teaching until 2003 when he was licensed in Indiana. Dr. Hoskins told the Board he has been assisting his father since 2003 and that he planned to return to the practice once his father retired. Dr. Hoskins stated he will be opening a practice on April 19th in Rossville, Indiana. Dr. Hoskins has been advised he will need an additional twenty-two (22) hours of continuing education to renew his license on July 1, 2010. The Board advised him of available seminars in April and May.

Board Action: A motion was made and seconded to reinstate Dr. Hoskin's expired chiropractic license until July 1, 2010.

BERNZOTT/KLAES-LANHAM

Motion carried 4-0-0

C. APPLICATION

1. Christian Iniguez, D.C.

Dr. Iniguez appeared before the Board, as requested, regarding his application for chiropractic licensure. Dr. Iniguez is 2008 graduate of Logan college and has taken and passed the National Boards Part I, II, III, IV, and Physiotherapy. He is not currently licensed at this time in any state. Dr. Iniguez responded positive to question 5B on the application which asks "Have you ever been convicted of, plead guilty or nolo contendere to any offense, misdemeanor or felony in any state?" He explained that in July of 2006 he was pulled over for speeding. At that time he rejected a breath test which resulted in an arrest, a \$500.00 fine, suspended driving privileges for a period of six (6) months and two (2) years of probation. Upon completion of all court ordered requirements, the incident was removed from his record. The Board showed concern over how many times it took him to pass his national board examinations. He explained that he was working full time while attending school. He felt he could pass the boards with minimal studying. He realized after failing them this was more serious than he realized. The Board is

concerned that he has taken all of this lackadaisical and is leery with licensing someone that does not take their profession seriously. The Board explained they are charged with protecting the public and their not sure if the public is safe with him practicing. Dr. Iniguez assured the Board that he is serious about this now and feels he has learned his lesson. The Board advised him of continuing education requirements, licensing requirements and other things regarding responsible licensure in the State of Indiana.

Board Action: A motion was made and seconded to grant Dr. Iniguez a chiropractic license upon successful completion of the Indiana jurisprudence examination.

BERNZOTT/KLAES-LANHAM
Motion carried 4-0-0

V. ADMINISTRATIVE HEARING

There were no administrative hearings before the Board.

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There was no notice of proposed defaults before the Board.

VIII. OLD/NEW BUSINESS

- Dr. Bernzott discussed a seminar he attended where someone came up to him and stated billing for adjusting extremities is against the law and an attorney had told him this. Dr. Bernzott corrected the person and quoted IC 25-10-12 of the Indiana Chiropractic statute and rules.
- Dr. Klaes-Lanham discussed with the Board a person that is adjusting horses yet is neither a chiropractor nor a veterinarian. She asked Ms. Vaught to discuss this with the Veterinary Board.
- Ms. Vaught discussed Senate Bill 356 with the Board. She explained that the Boards can now issue cease and desist orders for non-licensed individuals caught practicing. This law becomes effective July 1, 2010. She also spoke of the dissolution of the Controlled Substance Advisory Committee, the Hypnotist license, the Environmental Health Specialist license and the merging of the Cosmetology and Barber Boards. The Bill also allows for the recovery of abandoned health

records through the Attorney General's office and mandates a paramedic licensure study to see if they need licensure through the Professional Licensing Agency.

- Dr. Klaes-Lanham asked legal counsel about massage therapists. Ms. Brown explained the requirements behind holding a massage therapy certification and that chiropractors can still perform massage therapy, they just cannot hold themselves out to be a massage therapist without meeting the certification requirements.

IX. DISCUSSION

A. Federation of Chiropractic Licensing Boards

Re: Life Graduates

The Board discussed a letter received by the Federation of Chiropractic Licensing Boards. They stated this is a CDE issue, not the Boards.

X. APPLICATION REVIEW

A. Endorsement Applications

1. Anton J. Rittling, D.C.

Dr. Rittling is applying for licensure by endorsement. He is a 1978 graduate of National College. He completed National Boards Part I, II and Physiotherapy. According to 846 IAC 1-6-1(b)(3) an applicant is not required to have National Boards Part III if they have taken the National Boards prior to September 11, 1987. Dr. Rittling has taken and passed a state constructed examination in the state of Illinois in lieu of Part IV. Dr. Rittling is licensed in the states of Illinois and Florida. He has continuously practiced in the state of Illinois since 1983 and has taught at National College.

Board action: A motion was made and seconded to grant Dr. Rittling a chiropractic license upon successful completion of the Indiana jurisprudence examination.

BERNZOTT/DAVIS

Motion carried 4-0-0

B. Examination Applications

There were no examination applications to review.

C. Temporary Permits

There were no temporary permits to review.

D. Professional Corporation Applications

There were no professional corporation applications to review.

XI. PROBATIONARY REPORT

There were no probationary reports to review.

XII. CONTINUING EDUCATION

There was no continuing education to review.

XIII. REPORTS

A. Indiana State Chiropractic Association

There was no report given by the ISCA.

B. International Chiropractic Association of Indiana

There was no report given by the ICA.

C. Consumer Complaints – Dr. Bernzott

Dr. Bernzott stated he had nothing to report at this time.

D. Continuing Education – Dr. Klaes-Lanham, Dr. Frischman & Dr. Davis

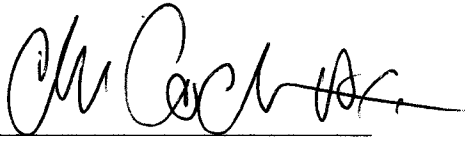
Dr. Klaes discussed the seminars coming up in April and May and the last chance seminar in June.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Chiropractic Examiners adjourned at 11:15 a.m.

Board action: A motion was made and seconded to adjourn the Chiropractic Board meeting at 11:15 a.m.

BERNZOTT/DAVIS
Motion carried 4-0-0

A handwritten signature in black ink, appearing to read "Ch Cochran".

Charles Cochran, D.C. - Vice Chairman

10-7-10

Date